

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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JAMES L. CARPENTER,

Plaintiff,

v.

SHU-BEE'S, INC.

Defendant.

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CIVIL ACTION

No. 10-0734

**ORDER**

**AND NOW**, this 9<sup>th</sup> day of July, 2012, upon consideration of briefing on motions in limine, in Proposed Jury Instructions, and in Exhibit J to Defendant's Pretrial Memorandum whether the Restatement (Second) or Restatement (Third) applies to Plaintiff's strict liability claims, and for the reasons in the accompanying Memorandum,

**IT IS ORDERED** that the law of the Restatement (Second) applies to Plaintiff's strict liability claims.

BY THE COURT:

/s/ Henry S. Perkin  
HENRY S. PERKIN  
United States Magistrate Judge